

EXHIBIT 20

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

DREW J. RIBAR,
Pro Se Plaintiff
3480 Pershing Ln
Washoe Valley, NV 89704
(775) 223-7899
Const2Audit@gmail.com

__ Filed __	Received __	Entered __	Served On
Counsel/Parties of Record			
MAR 24 2025			
Clerk U.S. District Court District of Nevada			
By: _____		Deputy _____	

v.

WASHOE COUNTY, et al.

Defendants.

Case No.: 3:24-cv-00526-ART-CLB

EXHIBIT 20

Title:

Email Correspondence Regarding Appeal Process for Library Suspension – Open Meeting

Law and Procedural Irregularities

Date: August 14, 2024

Source: Internal email correspondence between Washoe County District Attorney's Office,
Library Board of Trustees, and Washoe County Library officials

PLEADING TITLE - 1

1 **Bates Number Range: EXH150-EXH156**

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3
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5 **Description:**

6 This exhibit contains **email communications** between Washoe County **Deputy District**
7 **Attorney Herbert Kaplan**, the **Library Board of Trustees**, **Washoe County Library officials**,
8 and Plaintiff **Drew J. Ribar** regarding procedural irregularities surrounding the **August 21,**
9 **2024, Library Board of Trustees (LBOT) hearing** for suspension appeals.
10

11
12 Key details from the email exchange include:

13
14 **1. Library Board of Trustees Was Not Given Proper Notice for the Appeal Hearing**

- 15 ○ Deputy District Attorney **Herbert Kaplan** acknowledges that proper legal **notice**
16 **under NRS 241.033** was not given to Plaintiff or other appellants prior to the
17 hearing.
18 ○ Kaplan states that the Board cannot legally discuss the suspension appeals **unless**
19 **Plaintiff waives his right to proper notice under Nevada Open Meeting Law**
20 **(NRS 241.033).**
21 ○ If Plaintiff refuses to waive his rights, the hearing will be postponed to
22 **September 2024.**

23
24 **2. Plaintiff Questions the Need to Waive His Rights**

- 25 ○ Plaintiff points out that **Library Director Jeff Scott** and **Assistant Library**
26 **Director Stacy McKenzie** had already confirmed the **August 21 hearing.**
27

- 1 ○ Plaintiff demands an explanation as to why he must waive his legal rights due to
2 WCLS's procedural mistakes.

3 **3. Denial of Evidentiary Hearing and Right to Cross-Examine Witnesses**

- 4 ○ Kaplan states that the hearing will not be an evidentiary proceeding, meaning
5 Plaintiff will not be allowed to present evidence, call witnesses, or cross-
6 examine Library representatives.
7
8 ○ The Library will be given 5 minutes to justify the suspension, while Plaintiff is
9 limited to 5 minutes to appeal.
10
11 ○ Plaintiff must submit any supporting documents to Library Director Jeff Scott,
12 despite Scott being directly involved in the suspension decision.

13 **4. Plaintiff Raises Concerns About Due Process Violations and Retaliatory Actions**

- 14 ○ Plaintiff and another appellant, Sandee Tibbett, argue that Washoe County's
15 failure to provide timely notice and refusal to allow an evidentiary hearing
16 violate procedural due process rights under the Fourteenth Amendment.
17
18 ○ Plaintiff accuses Washoe County and the Library Board of Trustees of
19 intentionally restricting his ability to challenge the suspension.
20
21 ○ Email exchanges confirm that Plaintiff's suspension was issued without clearly
22 defined misconduct, reinforcing claims of First Amendment retaliation.
23

24
25 **Relevance to Case:**
26
27
28

1 **1. Supports First and Fourteenth Amendment Claims – Retaliatory Suspension & Due**
2 **Process Violations**

- 3 ○ Washoe County failed to follow proper notice requirements and denied Plaintiff
4 a fair hearing, violating the **Fourteenth Amendment's Due Process Clause**
5 (*Armstrong v. D.C. Public Library*, 154 F. Supp. 2d 67 (D.D.C. 2001)).
6
7 ○ Library policies were selectively enforced to **suppress Plaintiff's speech**,
8 violating the **First Amendment** (*Kreimer v. Bureau of Police*, 958 F.2d 1242 (3d
9 Cir. 1992)).

10 **2. Refutes BOC's Motion to Dismiss – Establishes Government Retaliation**

- 11 ○ Documents show **collusion between Washoe County, WCLS, and the Library**
12 **Board of Trustees** to prevent Plaintiff from appealing.
13
14 ○ Provides direct evidence that **Plaintiff's suspension was pretextual and**
15 **retaliatory** (*Hartman v. Moore*, 547 U.S. 250 (2006)).

16 **3. Relevant to Monell Liability – Unlawful Suspension & Procedural Due Process**
17 **Violations**

- 18 ○ Washoe County **knowingly** failed to follow legal notice requirements before
19 imposing suspension, exposing it to liability under **Monell v. Dept. of Social**
20 **Services, 436 U.S. 658 (1978)**.
21
22 ○ Demonstrates that **Washoe County officials and the District Attorney's Office**
23 **actively participated** in suppressing public challenges to their policies.
24
25

26
27 **CERTIFICATE OF AUTHENTICITY**

28 PLEADING TITLE - 4

1 I, **Drew J. Ribar**, the Plaintiff in this matter, **certify under penalty of perjury** that the attached
2 documents are **true and accurate copies** of emails obtained through public records requests and
3 direct correspondence with Washoe County officials.
4

5 These records were produced in response to **public records requests filed under NRS 239.010**,
6 ensuring their authenticity as **official government records**.
7

8 Dated: **March 17, 2025**
9

10 /s/ **Drew J. Ribar**

11 **Pro Se Plaintiff**

12 3480 Pershing Ln

13 Washoe Valley, NV 89704

14 (775) 223-7899

15 Const2Audit@gmail.com
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From: Silver, Ann (Board member) <ASilver@washoecounty.gov>
Sent: 14 August 2024 17:30
To: Kaplan, Herbert
Subject: RE: RE: RE: Notice of Appeal - Library Board of Trustees - August 21, 2024
Attachments:

Thank you!

From: Kaplan, Herbert <HKaplan@da.washoecounty.gov>
Sent: Wednesday, August 14, 2024 9:48 AM
To: sansshelly1@charter.net; Const2Audit@gmail.com; vwmyer@gmail.com; fredrmyer@gmail.com
Cc: Silver, Ann (Board member) <ASilver@washoecounty.gov>; Ruf, Tami (Trustee) <TRuf@washoecounty.gov>; Jacks, Gianna (Board Member) <GJacks@washoecounty.gov>; Moser, Lea (Trustee) <LMoser@washoecounty.gov>; Al Rogers (Trustee) <ARogers@washoecounty.gov>; Solaro, David <DSolaro@washoecounty.gov>; Scott, Jeff <jscott@washoecounty.gov>
Subject: Re: RE: RE: Notice of Appeal - Library Board of Trustees - August 21, 2024
Importance: High

Ms. Tibbett, Mr. Ribar, and Mr. Myer,

I wanted to reach out to each of you regarding the process that will be utilized in connection with your appeals of the suspensions of library privileges.

This is not an evidentiary hearing, but is a hearing on an appeal, much like those heard in April regarding book challenges. In each case, the Library will be afforded 5 minutes to explain the basis for the suspension. You, as the appellant, will then be given 5 minutes to explain the basis for your appeal. If you wish to provide any additional documentation for the Board to consider, that must be provided to Director Scott, preferably in advance of the meeting. The Library Board will then decide whether to deny or grant the appeal, also having the option of potentially shortening the length of the suspension.

Thank you.

Herbert Kaplan
Deputy District Attorney
Washoe County District Attorney
hkaplan@da.washoecounty.gov
Office: 775.337.5700
One S. Sierra St. 4th Floor, Reno, NV 89501
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EXH 150

to which it is addressed. This e-mail may contain confidential information, proprietary information, and/or information which is protected by the attorney-client privilege or work product doctrine. The unauthorized review, use, forwarding, printing, copying, disclosure, or distribution of this e-mail is strictly prohibited. If you are not the intended recipient or have reason to believe you are not authorized to receive this e-mail, please promptly delete this message and notify the sender.

From: Kaplan, Herbert <HKaplan@da.washoecounty.gov>
Sent: Tuesday, August 13, 2024 12:26 PM
To: sanshelly1@charter.net <sanshelly1@charter.net>
Cc: Silver, Ann (Board member) <ASilver@washoecounty.gov>; Ruf, Tami (Trustee) <TRuf@washoecounty.gov>; Jacks, Gianna (Board Member) <GJacks@washoecounty.gov>; Moser, Lea (Trustee) <LMoser@washoecounty.gov>; Const2Audit@gmail.com <Const2Audit@gmail.com>; vwmmyer@gmail.com <vwmmyer@gmail.com>; Al Rogers (Trustee) <ARogers@washoecounty.gov>; Solaro, David <DSolaro@washoecounty.gov>
Subject: Re: RE: RE: Notice of Appeal - Library Board of Trustees - August 21, 2024

Ms. Tibbett,

Pursuant to NRS 241.033, notice is required prior to discussing the alleged misconduct of an individual in a public meeting.

There is simply insufficient time in which to provide the notice pursuant to statute for the August 21 meeting.

Absent you waiving the technical notice pursuant to NRS 241.033, we will have to provide the notice as prescribed by that provision. The notice you receive, whether or not you waive the technical service of the same, will be exactly what has already been provided to you via e-mail. If you do not waive the technical notice provision, the notice would have to be either provided to you personally, or sent via certified mail. The statute sets forth the required timing of those notices. It is your choice whether you waive the technical notice pursuant to the statute. If you choose not to do so, we will be prohibited by the Open Meeting Law from conducting the appeal at the August 21 meeting. Instead, your appeal will be placed on a future agenda, likely the September 2024 meeting.

Unfortunately, these are the rules we are provided. As the agenda must be posted by Friday morning for next week's meeting, we will need to know by Thursday, August 15, 2024, if you are waiving the technical notice requirement. If we do not receive that communication from you by 5:00 p.m. on August 15, we will not place your appeal on the agenda for the August 21, 2024 meeting and will proceed to provide you with the notice by certified mail likely for the September meeting.

I hope that this clarifies your question. If you have additional questions on this issue,

EXH 151

please feel free to reach out to me.

Thank you.

Herbert Kaplan

Deputy District Attorney

Washoe County District Attorney

hkaplan@da.washoecounty.gov

Office: 775.337.5700

One S. Sierra St. 4th Floor, Reno, NV 89501

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From: sanshelly1@charter.net <sanshelly1@charter.net>
Sent: Tuesday, August 13, 2024 11:51 AM
To: Solaro, David <DSolaro@washoecounty.gov>;
Cc: Kaplan, Herbert <HKaplan@da.washoecounty.gov>; Herman, Jeanne <JHerman@washoecounty.gov>; Clark, Michael <MEClark@washoecounty.gov>; Hill, Alexis <AHill@washoecounty.gov>; Garcia, Mariluz C. <MCGarcia@washoecounty.gov>; Clara Andriola <CAndriola@washoecounty.gov>; Brown, Eric P. <EPriceBrown@washoecounty.gov>; Silver, Ann (Board member) <ASilver@washoecounty.gov>; Ruf, Tami (Trustee) <TRuf@washoecounty.gov>; Jacks, Gianna (Board Member) <GJacks@washoecounty.gov>; Moser, Lea (Trustee) <LMoser@washoecounty.gov>; Const2Audit@gmail.com <Const2Audit@gmail.com>; vwmmyer@gmail.com <vwmmyer@gmail.com>

EXH 152

Subject: RE: RE: RE: Notice of Appeal - Library Board of Trustees - August 21, 2024

This Message Is From an External Sender

This message came from outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.

Report Suspicious

Mr. Solaro,

I have another question in response to your email. I received an email from the assistant library director, Stacy McKenzie, on 8/2/24, and the library director, Jeff Scott, on 8/9/2024. Both of them stated my appeal would be on the 8/21/24 library board agenda.

Why do I have to waive my rights when it's their mistake?

Thank you,

Sandee Tibbett

"No one is above the law, and no one should be able to use their position in government to escape accountability for wrongdoing." - Preet Bharara

From: <sansshelly1@charter.net>

To: "Solaro, David" <DSolaro@washoecounty.gov>

Cc: "Kaplan, Herbert" <HKaplan@da.washoecounty.gov>;

<jherman@washoecounty.gov>; <meclark@washoecounty.gov>;

<ahill@washoecounty.gov>; <mcgarcia@washoecounty.gov>;

<candriola@washoecounty.gov>; <epricebrown@washoecounty.gov>;

<ASilver@washoecounty.gov>; <TRuf@washoecounty.gov>;

<GJacks@washoecounty.gov>; <LMoser@washoecounty.gov>

Sent: August 13, 2024 at 9:06 AM PDT

Subject: RE: RE: Notice of Appeal - Library Board of Trustees - August 21, 2024

CC: Commissioners, County Manager, and Library Board

I forgot to add, I am being falsely accused as well. The video evidence you are possession of clearly shows I spoke with NO patrons during DQSH and I only spoke to library staff after

EXH 153

being approached and harassed by them.

BROKEN (NRS) 200.510 A libel is a malicious defamation, expressed by printing, writing, signs, pictures or the like, tending to blacken the memory of the dead, or to impeach the honesty, integrity, virtue, or reputation, or to publish the natural defects of a living person or persons, or community of persons, or association of persons, and thereby to expose them to public hatred, contempt or ridicule

BROKEN (NRS) 200.550 Every person who shall willfully state, deliver or transmit by any means whatever to any manager, editor, publisher, reporter or other employee of a publisher of any newspaper, magazine, publication, periodical or serial any statement concerning any person or corporation which, if published therein, would be a libel shall be guilty of a misdemeanor.

From: <sanshelly1@charter.net>
To: "Solaro, David" <DSolaro@washoecounty.gov>
Cc: "Kaplan, Herbert" <HKaplan@da.washoecounty.gov>
Sent: August 13, 2024 at 8:02 AM PDT
Subject: RE: Notice of Appeal - Library Board of Trustees - August 21, 2024
Good morning Mr. Solaro,

I appreciate your email. Thank you.

I have questions before I answer your email, please.

I don't understand why we have these NRS codes when nobody with our library system is able to abide by them. Why is the library director, staff, board and DA exempt from following the NRS codes?

BROKEN (NRS) 379.120 Library to be free and accessible to public; regulations of governing authority.

BROKEN (NRS) 200.460 False imprisonment is an unlawful violation of the personal liberty of another, and consists in confinement or detention without sufficient legal authority.

BROKEN (NRS) 200.571 Harassment

BROKEN (NRS) 233.010 It is hereby declared to be the public policy of the State of Nevada

EXH 154

to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, national origin, ancestry or gender identity or expression.

BROKEN (NRS) 241.033 to the extent that the Library Board of Trustees may “consider your character, alleged misconduct, professional competence, or physical or mental health,”.

Where is the accountability? Why aren't they held to a better standard?

Thank you,

Sandee Tibbett

From: "Solaro, David" <DSolaro@washoecounty.gov>
To: <sanshelly1@charter.net>
Cc: "Kaplan, Herbert" <HKaplan@da.washoecounty.gov>
Sent: August 12, 2024 at 5:34 PM PDT
Subject: Notice of Appeal - Library Board of Trustees - August 21, 2024

Ms. Tibbett,

I have seen correspondence related to a potential request to appeal a decision of the Library System in Washoe County before the Library Board of Trustees.

Pursuant to Nevada Revised Statutes (NRS) 241.033, to the extent that the Library Board of Trustees may “consider your character, alleged misconduct, professional competence, or physical or mental health,” you are entitled to receive notice of such meeting by certified mail at least 14 days prior to the meeting. Considering the compressed time frame, notice by certified mail is not possible. Accordingly, it is requested that you reply to this e-mail whether you would like to waive the notice requirement via certified mail and consider your return e-mail as a waiver that you understand your statutory right and that you waive the otherwise applicable notice requirement set forth in NRS 241.033. This will allow the Board to fully consider your appeal at the upcoming August 21, 2024 meeting.

EXH 155

Please respond to this e-mail and state whether you waive your notice requirements, or whether you would rather have notice as outlined in NRS 341.033.

Thank you in advance for your consideration.

David M. Solaro

Assistant County Manager | Community Services

dsolaro@washoecounty.gov Office: 775.328.3624

1001 E. Ninth Street, Building A, Reno, NV 89512

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EXH 156